

67th LEGISLATURE—REGULAR SESSION

**PROPOSED CONSTITUTIONAL AMENDMENT—PUBLIC FREE
SCHOOL LAND—PATENTS—GOOD FAITH AND
COLOR OF TITLE FOR 50 YEARS**

H. J. R. No. 117

Proposing a constitutional amendment authorizing the commissioner of the General Land Office to issue patents for certain public free school fund land held in good faith under color of title for at least 50 years as of November 15, 1981.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article VII of the Texas Constitution be amended by adding Section 4A to read as follows:

Sec. 4A. (a) On application to the School Land Board, a natural person is entitled to receive a patent to land from the commissioner of the General Land Office if:

(1) the land is surveyed public free school land, either surveyed or platted according to records of the General Land Office;

(2) the land was not patentable under the law in effect immediately before adoption of this section;

(3) the person acquired the land without knowledge of the title defect out of the State of Texas or Republic of Texas and held the land under color of title, the chain of which dates from at least as early as January 1, 1932; and

(4) the person, in conjunction with his predecessors in interest:

(A) has a recorded deed on file in the respective county courthouse and has claimed the land for a continuous period of at least 50 years as of November 15, 1981; and

(B) for at least 50 years has paid taxes on the land together with all interest and penalties associated with any period of delinquency of said taxes; provided, however, that in the event that public records concerning the tax payments on the land are unavailable for any period within the past 50 years, the tax assessors-collectors of the taxing jurisdictions in which the land is located shall provide the School Land Board with a sworn certificate stating that, to the best of their knowledge, all taxes have been paid for the past 50 years and there are no outstanding taxes nor interest or penalties currently due against the property.

(b) The applicant for the patent must submit to the School Land Board certified copies of his chain of title and a survey of the land for which a patent is sought, if requested to do so by the board. The board shall determine the qualifications of the applicant to receive a patent under this section. Upon a finding by the board that the applicant meets the requirements of Subsection (a) of this section, the commissioner of the General Land Office shall award the applicant a patent. If the applicant is denied a patent, he may file suit against the board in a district court of the county in which the land is situated within 60 days from the date of the denial of the patent under this section. The trial shall be de novo and not subject to the Administrative Procedure and Texas Register Act, and the burden of proof is on the applicant.

(c) This section does not apply to beach land, submerged land, or islands, and may not be used by an applicant to resolve a boundary dispute. This section does not apply to land that, previous to the effective

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date of this section, was found by a court of competent jurisdiction to be state owned or to land on which the state has given a mineral lease that on the effective date of this section was productive.

(d) Application for a patent under this section must be filed with the School Land Board within five years from the effective date of this section.

(e) This section is self-executing.

(f) This section expires on January 1, 1990.

Sec. 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 3, 1981. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the commissioner of the General Land Office to issue patents for certain public free school fund land held in good faith under color of title for at least 50 years as of November 15, 1981."

Passed by the House on May 1, 1981: Yeas 128, Nays 0, 1 present, not voting; House refused to concur in Senate amendments to H. J. R. No. 117 on May 28, 1981, by a non-record vote, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H. J. R. No. 117 on May 30, 1981: Yeas 117, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 21, 1981: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H. J. R. No. 117 on June 1, 1981: Yeas 31, Nays 0.

Approved June 16, 1981.

Filed with the Secretary of State, June 16, 1981.

PROPOSED CONSTITUTIONAL AMENDMENTS—COUNTY TREASURERS—TARRANT AND BEE COUNTIES— ABOLITION

H. J. R. No. 119

Proposing a constitutional amendment to abolish the office of county treasurer in certain counties.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVI, Section 44, of the Texas Constitution be amended to read as follows:

Sec. 44. (a) Except as provided by Subsection (b) of this section, the Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

(b) The office of County Treasurer in the counties of Tarrant and Bee is abolished and all the powers, duties, and functions of the office in each of these counties are transferred to the County Auditor or to the officer who succeeds to the auditor's functions.